



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF THE CHIEF PUBLIC DEFENDER
30 TRINITY STREET
FOURTH FLOOR
HARTFORD, CONNECTICUT 06106

CHRISTINE PERRA RAPILLO
EXECUTIVE ASSISTANT PUBLIC DEFENDER
DIRECTOR OF JUVENILE DELINQUENCY DEFENSE
(860) 509-6472 TELEPHONE
(860) 509-6495 FAX

**TESTIMONY OF CHRISTINE RAPILLO
DIRECTOR OF JUVENILE DELINQUENCY DEFENSE
OFFICE OF THE CHIEF PUBLIC DEFENDER**

**COMMITTEE ON THE JUDICIARY
MARCH 19, 2010**

***Raised Bill 5521, AN ACT CONCERNING CHILD WELFARE AND THE JUVENILE JUSTICE SYSTEM
AND ERASURE OF JUVENILE RECORDS***

The Office of the Chief Public Defender supports **Raised Bill 5521, AN ACT CONCERNING CHILD WELFARE AND THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS**. This bill presents proposals to address the disproportionate rate at which people of color have contact with both the juvenile justice and child welfare systems. Federal law requires states to undertake a study of disproportionate minority contact (DMC) with the juvenile justice system on a regular basis. Studies were published in 1991 and in 1998. Connecticut's most recent study was released in May, 2009 and can be found at http://www.ct.gov/opm/lib/opm/cjppd/cjjjyd/jjydpublishations/final_report_dmc_study_may_2009.pdf. These studies are conducted by the Juvenile Justice Advisory Committee and compare decisions made on arrest, confinement, and conviction controlling for factors like a child's prior juvenile history, and for other socioeconomic factors. The analysis breaks down by decision point, which helps policy makers determine what specific steps can be taken to alleviate disproportionality.

In all three studies, no disparities were found in the handling of cases judicially rather than non-judicially, court outcomes for non-judicial delinquency cases, adjudication rates for judicial delinquency cases, or placement rates for adjudicated juveniles.

Disparities have been found in the initial decision to refer to court or to divert a child, length of time a misdemeanor accused spends in detention and in the use of secure facilities versus therapeutic treatment centers by the Department of Children and Families. The most recent study found that disproportionality exists in the decision to place a child charged with a statutorily defined serious juvenile offense in detention and that the disparity is not explained away by controlling for a child's family background or criminal record. Across all three studies, Black

MARCH 19, 2010
Christine Rapillo – Office of Chief Public Defender
Raised Bill 5521- Judiciary Committee

and Hispanic juveniles apprehended for SJOs were significantly more likely than White juveniles so charged to be transported to a Detention Center, and these differences were not neutralized when controlling for other factors. This is significant because earlier studies showed that disparity existed in the decision to bring a child accused of a non serious offense to detention as well. When the law and policies around detaining children were changed to require that police obtain a court order before a child charged with a non SJO offense could be brought to detention, the disparity was erased. Simply adding an objective, additional set of eyes to a decision eliminated the DMC in detention admissions for non SJO offenders. **Section 1** of Raised Bill 5521 would extend the requirement of a court order to the SJOs.

Section 4 would legislate one of the recommendations of the JJAC 2009 study and require all agencies with decision making power in the juvenile justice system to report annually on the agencies' efforts to study and reduce disproportionate minority contact in the juvenile justice system. This proposal adds language to require agencies to report and study DMC in the child welfare system. This is an important step towards understanding what causes disparity in our system, as we know that the child welfare involvement is a major indicator to a child's entry into the juvenile and criminal justice systems.

Sections 2 and 3 provide for automatic erasure and destruction of juvenile records for children convicted of statutorily defined non SJOs. The Office of the Chief Public Defender supports this proposal which will help eliminate the unintended consequences of a juvenile conviction. Records that have been destroyed will not be used against a person in a later effort to secure employment, entry in to the military or other endeavor. This proposal leaves intact the four year waiting period for the erasure of a record of a SJO conviction and continues to require that a court hearing be held before SJO records can be erased. This proposal appropriately balances the need for public safety and the wish to continue to shield low level juvenile offenders from the long term consequences of youthful indiscretion.

The Office of the Chief Public Defender respectfully asks this committee to report favorably on **Raised Bill 5521**.